

REMARKS

In the Office Action mailed on March 13, 2008, the Office took the following actions: (1) objected to the specification; (2) rejected claims 8, 10, and 29-30 under 35 U.S.C. §112 (first paragraph) as failing to comply with the enablement requirement; (3) rejected claims 1-2, 5-6, 8-9, 13-15, 22-25, 27, 29, 31, 33-35, and 37-39 under 35 U.S.C. §102(e) as being anticipated by Wilks et al. (U.S. Patent No. 6,944,757 'Wilks'); (4) rejected claims 16-19 under 35 U.S.C. §102(b) as being anticipated by Ko et al. (U.S. Patent Publication No. 2002 / 0013882 'Ko'); (5) rejected claims 3, 7, 26, and 36 under 35 U.S.C. § 103(a) as being unpatentable over Wilks in view of Rothman et al. (U.S. Patent Publication No. 2004 / 0243385 'Rothman'); (6) rejected claims 4 and 28 under 35 U.S.C. § 103(a) as being unpatentable over Wilks in view of Brundridge (U.S. Patent No. 6,279,109 'Brundridge'); (7) rejected claims 11-12 and 32 under 35 U.S.C. § 103(a) as being unpatentable over Wilks in view of in view of the ordinary skill in the art; (8) rejected claims 10 and 30 under 35 U.S.C. § 103(a) as being unpatentable over Wilks in view of Wagner et al. (U.S. Patent Publication No. 2003 / 0197963 'Wagner'); (9) rejected claim 20 under 35 U.S.C. § 103(a) as being unpatentable over Ko in view of ordinary skill in the art; and (10) rejected claim 21 under under 35 U.S.C. § 103(a) as being unpatentable over Ko in view of Brundridge. Applicant respectfully traverses and further requests reconsideration and withdrawal of the rejections in view of the following remarks.

Examiner Interview

Applicant thanks Examiner Davidson and Supervising Examiner Wellington for the telephone interview conducted on Thursday, June 12, 2008. During the telephone interview, Applicant's attorneys, Elliott Chen, along with Elizabeth Zehr, discussed claim 1 which was rejected under §102(e) in the pending Office Action.

Applicant's attorney presented arguments addressing the elements recited in claim 1. Specifically, Applicant submits that the image loader of claim 1 is not taught by the relied upon art.

Applicant thanks the Examiner for considering the above arguments. These, and other remarks, are included below under their respective sections to assist the Examiner in more fully understanding the Applicant's position on the rejections under §102(e).

Amendments to the Specification

The Office objected to the specification. Specifically, the Office objected to the portion of paragraph [0020] that provided that the optical media image source can include a hard disk drive. Applicant has amended the specification to remove the portion of paragraph [0020] that provided that the optical media image source can include a hard disk drive. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the objections to the specification.

In addition, Applicant has amended paragraph [0009] of the specification *sua sponte* to remove the reference to a computer data signal embodied in a carrier wave. No new matter was added.

Rejections under 35 U.S.C. §112 (first paragraph)

The Office rejected claims 8, 10, and 29-30 under 35 U.S.C. §112 (first paragraph) as failing to comply with the enablement requirement. Applicants have canceled claims 8, 10, and 29-30 which pertain to optical media images stored on a hard disk drive.

Rejections under 35 U.S.C. §102

Claims 1-2, 5-6, 8-9, 13-15, 22-25, 27, 29, 31, 33-35, and 37-39 were rejected under 35 U.S.C. §102(e) as being anticipated by Wilks. Claims 16-19 were rejected under 35 U.S.C. §102(b) as being anticipated by Ko. Applicant respectfully traverses.

Claim 1

As amended, claim 1 recites:

A method comprising:
loading an image loader into random access memory
(RAM);
creating, via the image loader, an optical media image in
the RAM by copying an optical media content from an optical media
source to a location in the RAM, the optical media image being in an
optical media format; and
accessing the optical media image in the optical media
format via a RAM disk program to emulate the optical media content of
the optical media source.

Claim 1 has been amended, in part, to include the recitations of previous dependent claim 5, which is canceled without prejudice or disclaimer. Applicant respectfully submits that Wilks fails to disclose each element of claim 1 as required under 35 U.S.C. §102. Specifically, Wilks fails to disclose “creating, *via the image loader*, an optical media image in the RAM.” (Emphasis added).

Wilks generally pertains to “A method and system for enabling removal of a removable medium of a boot device included in a computer system when booting a boot operating system.” (Abstract). The Office recites with reference to formerly presented dependent claim 5: “Wilks et al disclose loading an image (boot) loader into RAM, the image loader retrieving optical media content from the physical optical media source (the

image loader is a boot device driver program; col. 8, lines 25-30; col. 9, lines 50-52 . . .).” (Office Action, page 4, lines 5-8).

Wilks discloses “the boot device driver program duplicates or copies the contents of the boot sector included in the removable medium to the RAM disk.” (Column 9, lines 51-53). Since Wilks discloses that the boot device driver program only copies the content of the *boot sector* to the RAM disk, Wilks teaches initiating the copying process from outside the RAM. This is not the equivalent of “creating, *via the image loader*, an optical media image in the RAM” as recited in claim 1.

Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection to claim 1.

Claims 2, 6, 9, and 13-15

Claims 2, 6, 9, and 13-15 depend from independent claim 1 and are thus believed allowable at least for their dependency on the allowable base claim. Although claims 2, 6, 9, and 13-15 provide limitations which are not taught by the cited reference, only claim 15 is specifically addressed.

Claim 15 recites: “The method as recited in claim 1, further comprising creating, via the optical media image, an optical media partition, the optical media partition containing the optical media image.” The Office relies on Wilks in rejection of this claim. Wilks fails to disclose the recitations of claim 15. Specifically, Wilks fails to disclose “creating, via the optical media image, an optical media partition.” The Office states: “Wilks et al disclose creating a disk partition containing the optical media image (col. 10, lines 2-4).” (Office Action, page 5, lines 4-5). Applicant respectfully submits that the cited portion of Wilks relates to creating, via the boot device driver program, a “link between the ARC name for the boot device and the name of the device object created, e.g.,

the RAM disk.” (Column 10, lines 2-4). This link, for example, may include a partition location. Creating a link, via the boot device driver program, as disclosed by Wilks, is not the equivalent of “creating, via the optical media image, an optical media partition” as recited in claim 15.

Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection to claims 2, 6, 9, and 13-15.

Claims 16-19

As amended, claim 16 recites:

The method comprising:
downloading an image loader into random access
memory (RAM);
requesting, via the image loader, an optical media
content stored in an optical media format, the optical media content
containing an operating system code for booting a computer; and
in response to receiving the request, copying the optical
media content to the RAM to create an optical media image, the optical
media image being in an optical media format.

Claim 16 has been amended, in part, to include the recitations of previous dependent claim 18, which is canceled without prejudice or disclaimer. Applicant respectfully submits that Ko fails to disclose each element of claim 16 as required under 35 U.S.C. §102. Specifically, Ko fails to disclose “downloading an image loader into random access memory (RAM).”

Ko generally pertains to “A recordable optical disc containing various operating systems and user configurations and an apparatus reading from and recording onto the same.” (Abstract). The Office recites with reference to formerly presented dependent claim 18: “Ko et al disclose enabling the computer to download an image loader operable to download the optical media content (paragraph 16, last 5 lines).” (Office Action, page

6, lines 13-14). Applicant respectfully submits that the cited portion of Ko fails to disclose “downloading an image loader into random access memory (RAM)” as recited in claim 16.

The cited portion of Ko relates to “a linker having information on the location in which the boot program is recorded, reading the boot program from the boot program storage device, referring to the location information, and loading the boot program on the RAM.” (Paragraph [0016]). As further described in paragraph [0033], the linker “loads the operating system stored on the optical disc 100 into the computer 200 when the computer is booted. Referring to location information of a boot program, which is internally stored, the linker 160 reads the boot program stored in the boot program storage device 170 and loads the boot program into the RAM 120.” (Paragraph [0033]). As illustrated in Figure 2 of Ko, the linker 160 is independent from the RAM 120. Thus although Ko discloses a linker that “loads the operating system stored on the optical disc 100 into the computer 200”, Ko fails to disclose “downloading an image loader into random access memory (RAM)” since the linker of Ko does not reside in the RAM.

Claims 17-19 depend from independent claim 16 and are thus believed allowable at least for their dependency on the allowable base claim. Further, the additional limitations in claims 17-19 provide limitations which are not taught by the cited reference.

Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection to claims 16-19.

Claims 22-24, and 27

As amended, claim 22 recites:

One or more computer readable media comprising
computer-executable instructions that, when executed by a computer,
perform acts comprising:
loading an image loader into a random access memory
(RAM);

loading an optical media image, via the image loader,
from an optical media source to the RAM, the optical media image
being in an optical media format; and
emulating the optical media source using the optical
media image.

Claim 22 has been amended, in part, to include the recitations of previous dependent claim 25, which is canceled without prejudice or disclaimer. Applicant respectfully submits that Wilks fails to disclose each element of claim 25 as required under 35 U.S.C. §102. Specifically, Wilks fails to disclose “loading an optical media image, via the image loader, from an optical media source to the RAM.” The Office recites with reference to formerly presented dependent claim 25: “Wilks et al disclose loading an image (boot) loader into RAM, the image loader retrieving optical media content from the physical optical media source (the image loader is a boot device driver program; col. 8, lines 25-30; col. 9, lines 50-52 . . .).” (Office Action, page 4, lines 5-8).

Applicant incorporates the reasoning presented above in response to the rejection of claim 1. Specifically, Wilks discloses that the boot device driver program only copies the content of the *boot sector* to the RAM disk which is not the equivalent of “loading an optical media image, via the image loader, from an optical media source to the RAM” as recited in claim 22.

Claims 23-24, and 27 depend from independent claim 22 and are thus allowable for at least the same reasons as claim 22. Although claims 23-24, and 27 provide limitations which are not taught by the cited reference, only claim 24 is specifically addressed.

Claim 24 recites:

One or more computer readable media as recited in claim
22, wherein loading an optical media image comprises:
accessing an information file via the image loader, the
information file identifying the location of the optical media content;
and

loading the optical media image from the identified location to the RAM.

The Office relies on Wilks in rejection of this claim. Wilks fails to disclose the recitations of claim 24. Specifically, Wilks fails to disclose “accessing an information file via the image loader, the information file identifying the location of the optical media content; and loading the optical media image from the identified location to the RAM.” The Office relies on column 9, lines 58 to column 10, line 15 in rejecting claim 24. (Office Action, page 5, lines 6-10).

Applicant respectfully submits that the cited portion of Wilks relates to modifying the boot operating system to redirect the boot device I/O to the RAM disk by modifying the ARC name. In redirecting the boot device I/O to the RAM disk, the “The CD media is no longer used as the backing store memory, thereby enabling the removal of the removable medium.” (Column 10, lines 22-24). Redirecting the boot device I/O to the RAM disk is not the equivalent of “accessing an information file via the image loader, the information file identifying the location of the optical media content; *and loading the optical media image from the identified location to the RAM*” as presented in claim 24. (Emphasis added).

Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection to claims 22-24, and 27.

Claims 31, and 33-35

As amended, claim 31 recites:

A system comprising:
an optical media source including an optical media content, the optical media content being in an optical media format;

an image loader stored in a random access memory (RAM), the image loader operable to create an optical media image in the RAM by copying the optical media content from the optical media source to the RAM; and

a RAM disk program operable to access the optical media image.

Applicant respectfully submits that Wilks fails to disclose each element of claim 31 as required under 35 U.S.C. §102. Specifically, Wilks fails to disclose “an image loader stored in a random access memory (RAM), the image loader operable to create an optical media image in the RAM” as recited in claim 31.

Applicant incorporates the reasoning presented above in response to the rejection of claim 1. Specifically, Wilks discloses that the boot device driver program only copies the content of the *boot sector* to the RAM disk which is not the equivalent of “the image loader operable to create an optical media image in the RAM” as recited in claim 31.

Claims 33-35 depend from independent claim 31 and are thus allowable for at least the same reasons as claim 31. Although claims 33-35 provide limitations which are not taught by the cited reference, only claim 33 is specifically addressed.

Claim 35 recites: “A system as recited in claim 31, *further comprising an information file* stored in the RAM, the information file identifying the location of the optical media content.” (Emphasis Added). The Office relies on Wilks in rejection of this claim. Wilks fails to disclose the recitations of claim 35. Specifically, Wilks fails to disclose “further comprising an information file.”

Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection to claims 31, and 33-35.

Claims 37-39

As amended, Claim 37 recites:

A system for booting a computer comprising:
an optical media source including an optical media content, the optical media content being in an optical media format and including an operating system (OS) code;
an image loader stored in a random access memory (RAM), the image loader operable to create an optical media image that includes the operating system code in the RAM by copying the optical media content from the optical media source to the RAM; and
a RAM disk program stored in the RAM, the RAM disk program operable to cause the computer to boot by accessing the optical media image.

Applicant respectfully submits that Wilks fails to disclose each element of claim 37 as required under 35 U.S.C. §102. Specifically, Wilks fails to disclose “an image loader stored in a random access memory (RAM), the image loader operable to create an optical media image, including the operating system code, in the RAM” as recited in claim 37.

Applicant incorporates the reasoning presented above in response to the rejection of claim 1. Specifically, saving the device driver program to the boot sector of CD-ROM and loading the boot device driver program from the CD media into non-paged memory, as disclosed by Wilks, is not the equivalent of “an image loader stored in a random access memory (RAM), the image loader operable to create an optical media image, including the operating system code, in the RAM” since Wilks does not disclose the boot device driver program residing in the RAM.

Claims 38-39 depend from independent claim 37 and are thus believed allowable at least for their dependency on the allowable base claim. Further, the additional limitations in claims 38-39 provide limitations which are not taught by the cited reference. Therefore,

Applicant respectfully requests reconsideration and withdrawal of the rejection to claims 37-39.

Rejections under 35 U.S.C. §103(a)

The Office Action rejected claims 3, 7, 26, and 36 under 35 U.S.C. §103(a) as being unpatentable over Wilks in view of Rothman; rejected claims 4 and 28 under 35 U.S.C. §103(a) as being unpatentable over Wilks in view of Brundridge; rejected claims 11-12 and 32 under 35 U.S.C. §103(a) as being unpatentable over Wilks in view of Wagner; rejected claims 10 and 30 under 35 U.S.C. §103(a) as being unpatentable over Wilks in view of Wagner; rejected claim 20 under 35 U.S.C. §103(a) as being unpatentable over Ko in view of Brundridge; and rejected claim 21 under 35 U.S.C. §103(a) as being unpatentable over Ko in view of Brundridge. Applicant respectfully traverses.

Claims 3-4, 7, and 11-12

Claims 3-4, 7, and 11-12 depend from independent claim 1 and are thus believed allowable at least for their dependency on the allowable base claim. Further, the additional limitations in claims 3-4, 7, and 11-12 provide limitations which are not taught by the cited reference. Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection to claims 3-4, 7, and 11-12.

Claims 20-21

Claims 20-21 depend from independent claim 16 and are thus believed allowable at least for their dependency on the allowable base claim. Further, the additional limitations in claims 20-21 provide limitations which are not taught by the cited reference. Therefore,

Applicant respectfully requests reconsideration and withdrawal of the rejection to claims 20-21.

Claims 26 and 28

Claims 26 and 28 depend from independent claim 22 and are thus believed allowable at least for their dependency on the allowable base claim. Further, the additional limitations in claims 26 and 28 provide limitations which are not taught by the cited reference. Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection to claims 26 and 28.

Claims 32 and 36

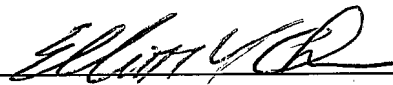
Claims 32 and 36 depend from independent claim 31 and are thus believed allowable at least for their dependency on the allowable base claim. Further, the additional limitations in claims 32 and 36 provide limitations which are not taught by the cited reference. Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection to claims 32 and 36.

CONCLUSION

For the foregoing reasons, Applicant respectfully requests reconsideration and withdrawal of the rejections of claims 1-4, 6-7, 9, 11-17, 19-24, 26-28, and 31-39 and allowance of same. If there are any remaining matters that may be handled by telephone conference, the Examiner is kindly invited to contact the undersigned attorney to resolve the issue.

Respectfully Submitted,

Dated: 7-11-08

By: 
Elliott Y. Chen
Lee & Hayes, PLLC
Reg. No. 58293
206-315-7914